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6 ACCEPTANCE INSURANCE COMPANY

7 UNITED STATES DISTRICT COURT

8
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA

10 ACCEPTANCE INSURANCE
11 COMPANY,

12 Plaintiff,

13 vs.

14 AMERICAN SAFETY RISK
15 RETENTION GROUP, INC., and DOES 1
through 100, inclusively,

16 Defendants.

CASE NO. CV08-01577 GPS (AGRx)

**EVIDENTIARY OBJECTIONS TO AND
MOTION TO STRIKE PORTIONS OF
DECLARATION OF JEAN P. FISHER
OFFERED IN SUPPORT OF AMERICAN
SAFETY INSURANCE COMPANY'S
OPPOSITION TO PLAINTIFF'S MOTION TO
REMAND**

[Filed and Served Concurrently with Reply to
Opposition to Motion for Remand]

Hearing Date: April 28, 2008
Time: 1:30 p.m.
Place: Courtroom 7
Judge: Hon. George P. Schiavelli

19 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

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21 Pursuant to the Federal Rules of Evidence, Plaintiff Acceptance Insurance Company
22 respectfully submits the following evidentiary objections to, and Motion to Strike the following
23 portions of, the Declaration of Jean P. Fisher in support of the Opposition.
24

25 **I. STATEMENT:**

26 "6. ASIC and ASRRG are separate, unrelated corporations. On the one hand, ASIC is a
27 subsidiary of a publicly-traded company, American Safety Insurance Holdings, Ltd. On the other
28

**EVIDENTIARY OBJECTIONS TO AND MOTION TO STRIKE PORTIONS OF DECLARATION OF JEAN P.
FISHER OFFERED IN SUPPORT OF AMERICAN SAFETY INSURANCE COMPANY'S OPPOSITION TO
PLAINTIFF'S MOTION TO REMAND**

1 hand, ASRRG is a risk retention group, and as such, its shareholder members are comprised of its
 2 policyholders, including Bay Area Construction Framers. ASRRG is not a subsidiary entity, and is not
 3 related to ASIC.” (Page 2, line 25, through Page 3, line 2)

4
 5 **OBJECTIONS.**

- 6 a. The witness has failed to demonstrate or set forth any foundation for the purported
 7 personal knowledge of these facts, as she was not involved in the incorporation of the
 8 company, nor has she shown how she could have acquired direct personal knowledge of
 9 the purported facts. (Fed. R. Evid. 602)
- 10 b. It contains improper opinion testimony. (Fed. R. Evid. 701) [See Exhibit “A” to
 11 Hampton Declaration, Form 10K Annual Report for American Safety Insurance
 12 Holdings, Ltd..]

13
 14 For the reasons set forth above, Plaintiff respectfully requests that the Court sustain its
 15 objections to the aforementioned paragraphs, and that the testimony and evidence proffered in those
 16 paragraphs be stricken pursuant to Plaintiff’s motion to strike.

17
 18 Dated: April 21, 2008

KOLETSKY, MANCINI, FELDMAN & MORROW

19
 20
 21 By: 

Raymond C. Dion, Esq.

Brett G. Hampton, Esq.

Attorneys for Plaintiff ACCEPTANCE INSURANCE
 23 COMPANY